

## EXHIBIT 3

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NEW YORK

NEW YORK STATE FIREARMS ASSOCIATION,

et al.,

*Plaintiffs,*

v.

Civil Action No. 23-CV-6524-FPG

DOMINICK L. CHIUMENTO, in his official capacity as  
Acting Superintendent of the New York State Police,

*Defendant.*

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**DECLARATION OF Frank S Yuroshoski Jr IN SUPPORT OF PLAINTIFF'S REPLY IN  
SUPPORT OF MOTION FOR PRELIMINARY INJUNCTION**

STATE OF NEW YORK     )

COUNTY OF Niagara

Frank S Yuroshoski Jr having been duly sworn, hereby states under the pains and penalties of perjury:

1. I am over 21 years of age and I make the following statements to my personal knowledge. If called upon to testify would competently testify as to the matters stated herein.
2. I am a 40-year resident of Niagara County New York.
3. I am a member of the New York State Firearms Association ("NYSFA"). I am not suing Superintendent Chiumento in my own capacity but know the NYSFA is fighting for my Second Amendment rights against New York's ammunition background checks.
4. I am a law-abiding gun owner and not subject to any possession restrictions under New York or federal law. I passed a background check to purchase a Remington 870 This gun is a Pump Shotgun and uses 12Ga ammunition.

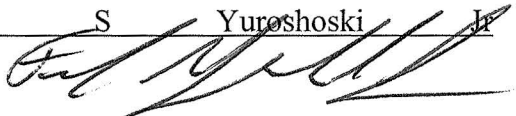
5. On or about 9/28/2023, I went to Walmart in North Tonawanda, New York and to purchase 12Ga ammunition.

6. I was required to pay \$2.50 for the ammunition background check.

7. I had to furnish about the same information I furnished to pass the background check for purchasing my firearm in the first place. It took about 15 minutes to provide this information to the dealer

8. After about 30 minutes, I was informed that the background check system was offline and I was unable to complete the purchase. I was not offered any avenue by which to purchase ammunition other than to try again some other time. I was unequivocally deprived of my Second Amendment rights through the failure of the background check system.

9. Ammunition background checks are pointless, time-consuming exercises against law-abiding gun owners like myself. Every minute I've spent and will spend enduring a background check for ammunition purchases a violation of my Second Amendment rights.

Frank S Yuroshoski Jr  
Name 

Signed and sworn before me this 26 day of October, 2023.

  
NOTARY PUBLIC

MY COMMISSION EXPIRES:

09/26/2026

Jesstin M. Kolacz  
Notary Public, State of New York  
Reg. #01KO6441625  
Qualified in Niagara County  
Commission Expires 09/26/2026

